

The House Committee on Judiciary Non-civil offers the following substitute to SB 249:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, so as to change certain definitions; to provide that sexual offenders be required to register with the sheriff of any county where such offenders reside, are employed, and are attending an institution of higher education in lieu of only registering in their county of residence and having the sheriff for such county be responsible for forwarding information about such offenders to the sheriffs of the counties where such offenders are employed and attend an institution of higher education; to require the Department of Corrections to forward certain information to sheriffs; to change reporting requirements when a sexual offender is incarcerated; to change provisions relating to the time frame a sheriff has to update certain information; to remove annual registration fees; to change certain penalty provisions; to provide a mechanism for certain elderly and disabled sexual offenders to petition the superior court to be released from certain residency requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, is amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising paragraphs (1), (3), and (6) of subsection (a) and subparagraph (a)(16)(C) as follows:

"(1) 'Address' means the street or route address of the sexual offender's residence. For purposes of this Code section, the term ~~does~~ shall not mean a post office box, and being homeless ~~does~~ or living in a vehicle shall not constitute an address."

"(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, school bus stops, public libraries, and public and community swimming pools."

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1 "(6) 'Child care facility' means all public and private pre-kindergarten facilities, day-care  
2 centers, child care learning centers, preschool facilities, and long-term care facilities for  
3 children. Such term shall not include private, in-home child day care which is not  
4 licensed by this state."

5 "~~(C) If the place of residence is a motor vehicle or trailer, provide the vehicle~~  
6 ~~identification number, the license tag number, and a description, including color~~  
7 ~~scheme, of the motor vehicle or trailer~~ Reserved;"

## 8 SECTION 2.

9 Said article is further amended in subsection (a) of Code Section 42-1-12, relating to the  
10 State Sexual Offender Registry, by adding a new paragraph to read as follows:

11 "(10.1) 'Day-care center' shall have the same meaning as set forth in paragraph (4) of  
12 Code Section 20-1A-2."

## 13 SECTION 3.

14 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender  
15 Registry, by revising paragraphs (1), (3), and (8) of subsection (b) as follows:

16 "(1) Inform the sexual offender of the obligation to register, ~~the amount of the~~  
17 ~~registration fee~~, and how to maintain registration;"

18 "(3) Inform the sexual offender that, if the sexual offender changes any of the required  
19 registration information, other than residence address, the sexual offender shall give the  
20 new information to the sheriff of the county with whom the sexual offender is registered  
21 within 72 hours of the change of information; ~~if.~~ If the information is the sexual  
22 offender's new residence address, the sexual offender shall give the information  
23 regarding the sexual offender's new residence address to the sheriff of the county with  
24 whom the sexual offender last registered and to the sheriff of the county to which the  
25 sexual offender is moving within 72 hours prior to moving and. The sexual offender shall  
26 give information regarding a change in employment location or a change in attendance  
27 at an institution of higher education to the sheriff of the each county to which the sexual  
28 offender is moving changing employment location or changing attendance at an  
29 institution of higher education within 72 hours after the such change of information;"

30 "(8) At least 15 days prior to such release, obtain ~~Obtain~~ and forward any information  
31 obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office  
32 of the county in which the sexual offender will reside; and"

**SECTION 4.**

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising paragraph (3) of subsection (c) as follows:

~~"(3) Forward the sexual offender's fingerprints and photograph~~ At least 15 days prior to the sexual offender's release from prison, placement on parole or supervised release, or three business days after a sexual offender's placement on probation, the following information shall be forwarded to the sheriff's office of the county where the sexual offender is going to reside;

(A) The sexual offender's fingerprints and photograph;

(B) The sexual offender's crime of conviction, including conviction date and the jurisdiction of the conviction; and

(C) The sexual offender's address;"

**SECTION 5.**

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising subsection (f) as follows:

"(f) Any sexual offender required to register under this Code section shall:

(1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;

(2) Register in person with the sheriff of ~~the~~ each county in which the sexual offender resides, is employed, and attends an institution of higher education within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;

(3) Maintain the required registration information with the sheriff of ~~the~~ each county in which the sexual offender resides, is employed, and attends an institution of higher education;

(4) Renew the required registration information with the sheriff of ~~the~~ each county in which the sexual offender resides, is employed, and attends an institution of higher education by reporting in person to the sheriff within 72 hours prior to such offender's birthday each year to be photographed ~~and fingerprinted;~~ provided, however, that such offender shall only be photographed in the county where such offender resides;

(5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than residence address; ~~if,~~ If the information is the sexual offender's new residence address, the sexual offender shall give the information regarding the sexual offender's new residence address to the sheriff of the county with whom the sexual offender last registered and to the sheriff of the county to which the sexual offender is

~~moving~~ within 72 hours prior to any change of residence address ~~and~~. The sexual offender shall give information regarding a change in employment location or a change in attendance at an institution of higher education to the sheriff of ~~the~~ each county to which the sexual offender is moving within 72 hours after establishing ~~the~~ such new residence place of employment or attendance at an institution of higher education; and  
 (6) ~~If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff of the county where the sexual offender resides an annual registration fee of \$250.00 upon each anniversary of such registration; and~~  
 (7) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, ~~including~~ excluding ensuing periods of incarceration."

# SECTION 6.

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising paragraphs (1), (3), (4), (6), (12), (13), and (14) of subsection (i) as follows:

"(1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators residing, working, and attending an institution of higher education in each county. Such list shall include the sexual offender's name; age; physical description; address; crime of conviction, including conviction date and the jurisdiction of the conviction; photograph; ~~and~~ the risk assessment classification level provided by the board; and an explanation of how the board classifies sexual offenders and sexually dangerous predators;"

"(3) Maintain ~~and post~~ a list of every sexual offender residing, working, and attending an institution of higher education in each county and electronically submit and update such list for posting:

(A) In the sheriff's office;

(B) In any county administrative building;

(C) In the main administrative building for any municipal corporation;

(D) In the office of the clerk of the superior court so that such list is available to the public; and

(E) On a website maintained by the sheriff of the county for the posting of general information;

(4) Update the public notices required by paragraph (3) of this Code section within ~~two~~ working five business days;"

"(6) Update the list of sexual offenders residing, working, and attending an institution of higher education in the county upon receipt of new information affecting the residence address, employment, and attendance at an institution of higher education of a sexual offender or upon the registration of a sexual offender moving into the county, gaining

employment in the county, becoming enrolled in an institution of higher education in the county, or by virtue of release from prison, relocation from another county, conviction in another state, federal court, military tribunal, or tribal court. Such list, and any additions to such list, shall be delivered, physically or electronically, within 72 hours of updating the list of sexual offenders residing in the county, to all schools or institutions of higher education located in the county;"

"(12) If required by Code Section 42-1-14, place any electronic monitoring system on the sexually dangerous predator and explain its operation and cost; and

(13) Provide current information on names and addresses of all registered sexual offenders to campus police with jurisdiction for the campus of an institution of higher education if the campus is within the sheriff's jurisdiction; ~~and~~

~~(14) Collect the annual \$250.00 registration fee from the sexual offender and transmit such fees to the state for deposit into the general fund."~~

#### SECTION 7.

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising paragraph (1) of subsection (j) as follows:

"(j)(1) The sheriff of the county where the sexual offender resides or last registered shall be the primary law enforcement official charged with communicating the whereabouts of the sexual offender and any changes in required registration information ~~to the sheriff's office of the county or counties where the sexual offender is employed, volunteers, attends an institution of higher education, or moves."~~

#### SECTION 8.

Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender Registry, by revising subsection (n) as follows:

"(n) Any individual who:

- (1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;
- (2) Provides false information; or
- (3) Fails to respond directly to the sheriff within of the county where he or she resides, is employed, and is attending an institution of higher education 72 hours ~~of~~ prior to such individual's birthday

shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for life."

**SECTION 9.**

Said article is further amended by adding a new Code section to read as follows:

"42-1-16.

A superior court may issue an order releasing an individual from any residency requirements of this article if the individual or someone acting on behalf of the individual petitions the superior court of the jurisdiction in which such individual resides to be released from the residency requirements of this article, the court finds by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense, and the individual:

(1) Resides in a hospice facility, skilled nursing home, residential care facility for the elderly, or nursing home;

(2) Is totally and permanently disabled as such term is defined in Code Section 49-4-80; or

(3) Is otherwise seriously physically incapacitated due to illness or injury."

**SECTION 10.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 11.**

All laws and parts of laws in conflict with this Act are repealed.